

## DECISION AND FINDING OF NO SIGNIFICANT IMPACT

### BIRD DAMAGE MANAGEMENT IN THE KENTUCKY WILDLIFE SERVICES PROGRAM

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by birds in Kentucky. WS has prepared an environmental assessment (EA) that analyzes alternatives for managing damage caused by birds in Kentucky. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). An EA was prepared in this case to facilitate planning, interagency coordination, and streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts. The predecisional EA released by WS in October 2000 documented the need for bird damage management in the State, and assessed potential impacts of various alternatives for responding to bird damage problems. The EA is tied to the programmatic Environmental Impact Statement (EIS) for the Wildlife Services Program<sup>1</sup> (USDA 1995).

WS's **Proposed Action** is to continue the present bird damage management (BDM) program in Kentucky in order to provide assistance to a diversity of requesters which could be Federal, State, and Local government agencies, industry, other businesses, or individuals, and to cooperate with appropriate land and wildlife management agencies to seek resolution involving bird damage problems related to agriculture, human health and safety, natural resources, and property.

This program would be designed to address bird damage at any location in Kentucky where requesters have solicited the assistance of WS. Based on the analysis in the EA, I have determined that there will not be a significant impact, individually or cumulatively, on the quality of the human environment from implementing the **Proposed Action**, and that the action does not constitute a major federal action significantly affecting the quality of the human environment.

#### Public Involvement

The Pre-Decisional EA was available for public review and comment during a 40-day period (October 14 - November 20, 2000), which complies with or exceeds public involvement guidelines/policies contained in NEPA, Council On Environmental Quality (CEQ) regulations, and APHIS WS's Implementing Regulations, as well as all pertinent agency laws, regulations, and policies. A Legal Notice of Availability was placed in Louisville Courier Journal, a daily newspaper with geographic coverage of all of the proposed project area, for two days (October 14-15, 2000). EA's were made available for review at three locations including the Louisville, Kentucky WS District Office, and copies were available by request through the U.S. Mail.

The Pre-Decisional EA was mailed directly to organizations with probable interest in the proposed program: Humane Society of the United States, and The Fund For Animals.

#### Major Issues

Several issues were deemed relevant to the scope of this EA. These issues were consolidated into the

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<sup>1</sup> USDA (U.S. Department of Agriculture), Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1995. Animal Damage Control Program, Final Environmental Impact Statement. Anim. Plant Health Inspection Serv., Anim. Damage Control. Hyattsville, MD. Volume 1, 2 & 3.

following four primary issues to be considered in detail:

- Effects on Wildlife Including Target and Nontarget Species and Threatened & Endangered Species
- Effects on Human Health and Safety
- Effects on Socio-economics of The Human Environment
- Effects on Wetlands

## Objectives

Chapter Three of the EA examines objectives and methods for analysis and measurement of accomplishment of those objective for the BDM program in Kentucky. The Government Performance and Results Act of 1993 requires that Federal agencies develop program strategies and set goals which are measurable. Further, entities which cooperate with WS in BDM projects have developed objectives related to resolving wildlife damage. These goals may be driven by policy, governmental regulation, welfare of employees and the public, corporate image, customer satisfaction, or a combination of any of these. WS pursues goals related to wildlife damage management as set forth in the WS programmatic Strategic Plan (USDA - APHIS - ADC, 1989). Such goals may be reflected in local and state level wildlife damage management programs conducted by WS throughout the United States. Goals discussed in the EA reflect the most reasonable outcome of an effective BDM program in which Cooperators and WS participate.

Wildlife Services will measure achievement of objectives for BDM Direct Assistance programs in Kentucky by attaining and/or maintaining an "adequate grade," as defined in section 3.3 and 3.4 of the EA, for a set of defined objectives presented below:

- Reductions In Bird-caused Human Health And Safety Incidents And/Or Maintenance Of Previously Attained Reductions Calculated As Damage Losses Averted Or Resources Saved
- Reductions In Damage To Agriculture Caused By Birds And/Or Maintenance Of Previously Attained Reductions Calculated As Damage Losses Averted Or Resources Saved
- Reductions In Damage To Property Caused By Birds And/Or Maintenance Of Previously Attained Reductions Calculated As Damage Losses Averted Or Resources Saved
- Reductions In Damage To Natural Resources Caused By Birds And/Or Maintenance Of Previously Attained Reductions Calculated As Damage Losses Averted Or Resources Saved

Objectives will be used as part of the monitoring protocol to assure that determinations of the EA for the BDM program activities remain current and appropriate. WS monitoring procedures direct that State or Station Directors within the agency assure that each EA for which they are responsible, the Decision associated with the EA, and the activities specified in the Decision will be reviewed annually for applicability and accuracy of the documents, monitoring compliance, and the need for further analysis and documentation due to new information or changes in activities. A report of this review is prepared and filed in the respective State or Station WS office and with the appropriate WS Regional Director. Results of the review and monitoring report will be noticed to the public, including the affected interests within five years of the Decision date for any EA's analyzing ongoing projects. This process insures that each EA is complete and still appropriate to the scope of the State BDM activities.

## Alternatives Analyzed in Detail

Four potential alternatives were developed to address the issues identified above. Four additional alternatives were considered but not analyzed in detail. A detailed discussion of the anticipated effects of the alternatives on the objectives and issues is provided in the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

1. **Alternative 1 - The No Action Alternative** is the **Proposed Action** in the EA, is a procedural NEPA requirement (40 CFR 1502), is a viable and reasonable alternative that could

be selected, and serves as a baseline for comparison with the other alternatives. The No Action alternative, as defined here, is consistent with the CEQ's definition (CEQ 1981).

The **Proposed Action** is to continue the current WS BDM program in Kentucky that responds to requests for BDM to protect human health and safety, agricultural crops, turf, livestock feed, livestock, livestock health, property, threatened and endangered species, other wildlife, other natural resources, and aquaculture in the State of Kentucky. A major component of the current program consists of an Integrated Wildlife Damage Management (IWDM) approach to address human health and safety threats and property damage associated with large concentrations of birds at roosts and other sites at both public and private facilities in the State. The program would also operate to reduce or minimize the loss of livestock feed and the risk of bird-related livestock health problems presented by European starlings and blackbirds at requesting dairies and feedlots, and to meet requests to minimize damage or the risk of damage to agriculture, other wildlife species, or other resources caused by birds. To meet these goals WS would have the objective of responding to all requests for assistance with, at a minimum, technical assistance or self-help advice, or, where appropriate and when cooperative or congressional funding is available, direct damage management assistance in which professional WS Specialists or Wildlife Biologists conduct damage management actions. An IWDM approach would continue to be implemented which would allow use of any legal technique or method, used singly or in combination, to meet requester needs for resolving conflicts with birds. Agricultural producers and others requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. Lethal methods used by WS would include shooting, trapping, nest and/or egg destruction, DRC-1339 (Starlicide), Avitrol, or euthanasia following live capture by trapping, hand capture, nets, or use of the tranquilizer alpha-chloralose (A-C). Nonlethal methods used by WS may include pruning or thinning of trees, porcupine wire deterrents, wire barriers and deterrents, the tranquilizer A-C, live-capture by cages, nets, net guns, hand nets, drop nets, rocket nets, followed by translocation of captured birds, chemical repellents, and harassment. In many situations, the implementation of nonlethal methods such as exclusion-type barriers would be the responsibility of the requester which means that, in those situations, WS's only function would be to implement lethal methods if determined to be necessary. BDM by WS would be allowed in the State, when requested, on private property or public facilities where a need has been documented, upon completion of an *Agreement for Control*. All management actions would comply with appropriate Federal, State, and Local laws. There would be no significant impacts with respect to the issues analyzed in detail.

**Alternative 2 - Nonlethal BDM Only By WS** would require WS to use nonlethal methods only to resolve bird damage problems. Persons receiving technical assistance could still resort to lethal methods that were available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B of the EA describes a number of nonlethal methods available for use by WS under this alternative. No significant impacts would be expected under this alternative although some potential for cumulative impacts might exist.

**Alternative 3 - Technical Assistance Only** would not allow for WS operational BDM in Kentucky. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct BDM using traps, shooting, Avitrol, or any nonlethal method that is legal. Avitrol could only be used by State certified pesticide applicators. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B of the EA describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this alternative. No significant impacts would be expected under this alternative, but some potential

for cumulative impacts greater than Alternatives 1 and 2 might exist.

**Alternative 4 - No Federal WS BDM** would eliminate Federal involvement in BDM in Kentucky. WS would not provide direct operational or technical assistance and requesters of WS services would have to conduct their own BDM without WS input. Information on BDM methods would still be available to producers and property owners through such sources as USDA Agricultural Extension Service offices, universities, or pest control organizations. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Avitrol could be used by State certified pesticide applicators. No significant impacts would be expected under this alternative, but the potential for cumulative impacts greater than under Alternatives 1 and 2, but similar to Alternative 3 might exist.

**Alternatives considered but not analyzed in detail were:**

**Lethal BDM Only By WS** - Under this alternative, WS would not conduct any nonlethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This alternative was eliminated from further analysis because some bird damage problems can be resolved effectively through nonlethal means.

**Compensation for Bird Damage Losses** - The Compensation Alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no Federal or State laws currently exist to authorize such action.

**Short Term Eradication and Long Term Population Suppression** - An eradication alternative would direct all WS program efforts toward total long term elimination of bird populations on private, State, Local and Federal government lands wherever a cooperative program was initiated in the State. Eradication as a general strategy for managing bird damage was not considered in detail because:

- All State and Federal agencies with interest in or jurisdiction over wildlife oppose eradication of any native wildlife species.
- Eradication is not acceptable to most people.
- Because blackbirds and European starlings are migratory and most winter populations in Kentucky may be comprised in part of winter migrants from northern latitudes, eradication would have to be targeted at the entire North American populations of these species to be successful. That would not be very feasible.

Suppression of damaging bird populations on a Statewide scale is not realistic or practical to consider as the basis of the WS program. Typically, WS activities in the State would be conducted on a very small portion of the sites or areas inhabited or frequented by problem species.

**Use of Bird-proof Feeders in Lieu of Lethal Control at Dairies And Cattle Feeding Facilities** - This alternative has been proposed by some for excluding birds at dairies and cattle feeding facilities in the State. This alternative was not considered in detail because of, among other considerations, its lack of proven efficacy, potential negative effects on livestock resulting from the presence of the devices, and its inability to address any significant portion of bird

damage situations in Kentucky. If this strategy is found to be practical at specific sites, such efforts could be implemented as part of the WS IWDM strategy outlined under the **Proposed Action**.

The effects of implementing the **Proposed Action**, when added to the other past, present, and reasonably foreseeable future actions, will not significantly affect the quality of the human environment. This determination takes into consideration the following factors:

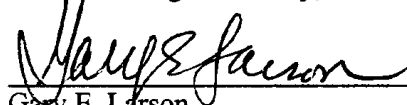
1. BDM, as conducted by WS in the State of Kentucky, is not regional or national in scope. Although BDM projects may occur anywhere in the State, individual activities will occur at localized small-area sites.
2. Based on the analysis documented in the EA, the impacts of the **Proposed Action** will not significantly negatively affect public health or safety. The **Proposed Action** is expected to result in an indirect beneficial impact on public health and safety by reducing the potential risk of transmission of disease and reduction of safety risks posed by bird droppings deposited at sites occupied by humans. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1995, Appendix P).
3. The **Proposed Action** will not have a significant impact on unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations that govern impacts on elements of the human environment will assure that significant adverse impacts are avoided.
4. The effects on the quality of the human environment are not highly controversial. Although there may be opposition to killing birds, this action is not controversial in relation to size, nature, or effects. Based on consultations with the State wildlife management authorities, the **Proposed Action** is not likely to cause a controversial disagreement among the appropriate resource professionals.
5. Mitigation measures adopted and/or described as "part of the **Proposed Action**" minimize risks to the public, prevent adverse effects on the human environment, and reduce uncertainty and risks. Effects of methods and activities, as proposed, are known and do not involve uncertain or unique risks.
6. The **Proposed Action** does not establish a precedent for future actions. This action would not set a precedent for future BDM actions that may be implemented or planned within the State. Effects of the **Proposed Action** are minor and short-term in nature and similar actions have occurred previously in the State without significant effects.
7. Adverse effects on wildlife or established wildlife habitats would be minimal.
8. The EA discussed cumulative effects of WS on target and nontarget species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
9. This action will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources. Wildlife damage management would not disturb soils or any structures and therefore would not be considered a "Federal undertaking" as defined by the National Historic Preservation Act.

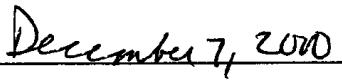
10. The taking of target species in the State is not an irretrievable or irreversible loss of a resource. The environmental consequences chapter of the EA discusses the effects of the **Proposed Action** and concludes that WS take of target species is insignificant to overall populations.
11. WS determined that the **Proposed Action** would not result in any adverse effects on Federally listed threatened or endangered species.
12. The **Proposed Action** is consistent with Local, State, and Federal laws that provide for or restrict WS wildlife damage management. Therefore, WS concludes that this project is in compliance with Federal, State and Local laws for environmental protection.

## DECISION

I have carefully reviewed the Environmental Assessment (EA) prepared for this proposal, and it is my determination that the **Proposed Action** does not constitute a major Federal action and will not significantly affect the quality of the human environment. As such, an environmental impact statement will not be prepared. Therefore, it is my decision to implement the **Proposed Action** as described in the EA.

As stated previously herein, no substantive changes to the analysis in the predecision EA were deemed necessary based on public comments received, and the predecision EA is hereby designated as the final EA for this proposal. Additional copies of the EA are available upon request from USDA, APHIS, WS, 3231 Ruckriegel Parkway, Suite 107, Louisville, KY, 40299.

  
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Gary E. Larson  
Eastern Regional Director  
USDA-APHIS-WS

  
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